

Texas v. Biden Monthly Report (Reporting Period: August 1, 2021 – August 31, 2021)**(1) The total monthly number of encounters¹ at the southwest border (SWB);**

Encounter data includes U.S. Border Patrol (USBP) Title 8 Apprehensions² between the ports of entry along the SWB, Office of Field Operations (OFO) Title 8 Inadmissibles³ at land ports of entry along the SWB, and Title 42 Expulsions⁴ at and between the ports of entry along the SWB.

August 2021 as of September 3, 2021	Title 42	Title 8	Total Encounters
Office of Field Operations	2,267	11,062	13,329
El Paso Field Office	235	1,496	1,731
Laredo Field Office	544	4,087	4,631
San Diego Field Office	1,253	4,665	5,918
Tucson Field Office	235	814	1,049
U.S. Border Patrol	91,147	104,411	195,558
Big Bend Sector	1,430	248	1,678
Del Rio Sector	10,819	21,543	32,362
El Centro Sector	3,801	779	4,580
El Paso Sector	17,234	2,987	20,221
Laredo Sector	7,422	743	8,165
Rio Grande Valley Sector	27,191	53,971	81,162
San Diego Sector	9,095	4,483	13,578
Tucson Sector	13,038	3,677	16,715
Yuma Sector	1,117	15,980	17,097
Grand Total	93,414	115,473	208,887

¹ The sum of Title 8 apprehensions/inadmissible aliens and expulsions.

² Apprehension refers to the physical control or temporary detainment of a person who is not lawfully in the U.S. which may or may not result in an arrest.

³ Inadmissible refers to individuals encountered at ports of entry who are seeking lawful admission into the United States but are determined to be inadmissible, individuals presenting themselves to seek humanitarian protection under our laws, and individuals who withdraw an application for admission and return to their countries of origin within a short timeframe.

⁴ Expulsions refer to individuals encountered by USBP and OFO and expelled to the country of last transit or home country in the interest of public health under Title 42 U.S.C. 265.

(2) The total monthly number of aliens expelled under Title 42, Section 1225, or under any other statute;

- *Title 42 expulsions at and between the ports of entry along the SWB⁵*

August 2021 as of September 3, 2021	Title 42
Office of Field Operations	2,267
El Paso Field Office	235
Laredo Field Office	544
San Diego Field Office	1,253
Tucson Field Office	235
U.S. Border Patrol	91,147
Big Bend Sector	1,430
Del Rio Sector	10,819
El Centro Sector	3,801
El Paso Sector	17,234
Laredo Sector	7,422
Rio Grande Valley Sector	27,191
San Diego Sector	9,095
Tucson Sector	13,038
Yuma Sector	1,117
Grand Total	93,414

- *Removals/Returns under Title 8*

Southwest Land Border (Based on Encounter Date)⁶: 3,859

- BP Removals/Returns: 3,170
 - Bag and Baggage⁷: 2
 - Voluntary Return⁸: 1,887
 - Expedited Removal: 499
 - Reinstatement of Removal: 782
 - Returns Pursuant to 8 U.S.C. § 1225(b)(2)(C): 0
- OFO Removals/Returns: 689

⁵ Same as Title 42 expulsion data provided in response to 1 above.

⁶ Indicates that the noncitizen was encountered during the reporting period (August 1, 2021 – August 31, 2021).

⁷ When a noncitizen encountered or apprehended by CBP has been previously ordered removed by an immigration judge and the order was never executed (i.e., in absentia). The removal order may be immediately executed by CBP or CBP may turn the noncitizen over to ICE for removal.

⁸ Constitutes a request by a non-citizen to be permitted to return to their country of citizenship on a voluntary basis, in lieu of being formally removed or placed into removal proceedings.

- Bag and Baggage: 1
- Voluntary Return: 65
- Expedited Removal: 130
- Reinstatement of Removal: 6
- Withdrawal of Application for Admission: 487
- Returns Pursuant to 8 U.S.C. § 1225(b)(2)(C): 0

(3) Defendants' total detention capacity as well as current usage rates;

*OFO Holding Capacity – Southwest Border in Custody*⁹

Detention Capacity	21-Aug
1005	145.26 (14.45%) ¹⁰

⁹ Represents an estimate of each cell's coded occupancy limit, as outlined in technical design standards when constructed, multiplied by the total number of cells for all ports of entry within each field office. This number does not account for the unique circumstances that may limit the occupancy of a given cell (e.g., high risk, nursing/pregnant, transgender, unaccompanied minor, etc.) nor does it reflect operational limitations that affect a port's capacity to detain. CBP's capacity to detain individuals in its short-term facilities depends on many factors, including: demographics of the individual in custody; medical or other needs of individuals in custody; ability of ICE ERO (or, if an unaccompanied child, the U.S. Department of Health and Human Services) to transfer individuals out of CBP custody; and OFO's available resources to safely process and hold individuals.

¹⁰ Represents the average number of travelers in custody on a daily basis averaged over the 30-day period, at all Southwest Border Field Office locations. Travelers include inadmissible individuals, lawful permanent residents, asylees, refugees, and United States Citizens who are being detained to verify wants, warrants, criminal, administrative or other judicial process.

USBP Average Daily Subjects In Custody by Southwest Border Sector¹¹

USBP Sector	August 2021
Big Bend	11
Del Rio	1,497
El Centro	249
El Paso	518
Laredo	204
Rio Grande	4,641
San Diego	670
Tucson	387
Yuma	1,712
Total	9,887

(4) The total monthly number of “applicants for admission”¹² under Section 1225;

August 2021 as of September 3, 2021	Title 8
Office of Field Operations	11,062
El Paso Field Office	1,496
Laredo Field Office	4,087
San Diego Field Office	4,665
Tucson Field Office	814
U.S. Border Patrol	104,411
Big Bend Sector	248
Del Rio Sector	21,543
El Centro Sector	779
El Paso Sector	2,987

¹¹ U.S. Border Patrol facilities, such as stations and central processing centers, provide short-term holding capacity for the processing and transfer of individuals encountered by agents. Maximum facility capacity along the southwest border is approximately 4,750, which assumes a homogenous population and full operating status at all facilities. Actual capacity fluctuates constantly based on characteristics of in-custody population, to include demographics, gender, criminality, etc. The average percentage of subjects in custody on a daily basis is 208.15%, which is averaged over the 30-day period and includes all Southwest Border Sector locations.

¹² An applicant for admission is defined as “[a]n alien present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters).” 8 U.S.C. § 1225(a)(1). Thus, an applicant for admission may include noncitizens that have never been encountered by CBP. At this time, CBP does not have a mechanism to track applicants for admission in the United States that are not encountered by CBP. CBP has included the same data as the Title 8 encounter data provided in response to 1 above.

Laredo Sector	743
Rio Grande Valley Sector	53,971
San Diego Sector	4,483
Tucson Sector	3,677
Yuma Sector	15,980
Grand Total	115,473

(5) The total monthly number of “applicants for admission” under Section 1225 paroled into the United States; and

- BP Apprehensions with Parole Disposition: 11,901
- OFO Inadmissible Aliens with Parole Disposition: 568

(6) The total monthly number of “applicants for admission” under Section 1225 released into the United States, paroled or otherwise.”¹³

- BP Notice to Report¹⁴: 18,909
- BP NTA-Order of Release on Recognizance: 24,998
- OFO NTA-Order of Release on Recognizance: 9,390
- BP Apprehensions with Parole Disposition: 11,901
- OFO Inadmissible Aliens with Parole Disposition: 568

¹³ All numbers in reporting requirement 6 are “based on encounter date,” as defined above.

¹⁴ Individuals who are screened by CBP, and after criminal and immigration records checks are conducted to determine if the subject is a threat to national security or public safety, are then released and instructed to report to U.S. Immigration and Customs Enforcement (ICE) for continued processing.